

REMARKS

Claims 1-4, 8-12, 16-20, and 24-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Dutcher (US 4,381,013). Applicant previously traversed the rejection. Applicant pointed out that the curved portion 32 of Dutcher is of a uniform diameter and that where the examiner pointed to a tapered zone was in the straight distal segment of the stylet. The change in diameter which is alleged to be a “taper” at point A is within the straight distal segment of stylet 30. Thus, Applicant argued that absent from Dutcher is a tapered zone that extends within the curved intermediate segment 32 of stylet 30 as required by claim 1.

In the Advisory Action, the examiner comments that the limitation is interpreted to mean that the taper zone starts from approximately the middle of the curved intermediate segment. Applicant agrees and would show support in Fig. 4 and paragraph [0016], which describes a distal taper zone 38-33 that extends from distal end point 38 into curved intermediate segment 31-35. Thus, Applicant is not arguing that the curved intermediate segment in its entirety is part of the taper zone. The examiner misunderstands Applicant’s position.

Applicant’s position is that the curved intermediate segment in Dutcher is only the bend at reference 32 shown in Fig. 6. See column 3, lines 49 – 50. Proximal of the bend 32, where reference 40 is shown, there is a substantially straight proximal segment extending from the curved intermediate segment toward the proximal end. Distal of the bend 32 is a substantially straight distal segment extending from the distal end. Throughout bend 32, the diameter is uniform. The diameter “tapers” only in the region of Fig. 6 where references 42 and 44 are shown. That region is entirely within the substantially straight distal segment extending from the distal end.

The argument in the Final Office Action at page 3 was that an alleged taper zone in Fig. 6 begins in bend 32, where diameters B or D’ were identified. That is clearly erroneous as the coil 40 is of a uniform diameter all along its length as shown in Fig. 3. The first point of discontinuity in the uniform diameter established by coil 40 is shown only at reference 42, where the coil ends and wire 30 protrudes out the end of the coil.

As clearly shown in both Figs. 3 and 6, this point is entirely within the substantially straight distal segment extending from the distal end.

Applicant again reiterates that the anticipation rejection of the independent claims, as well as the claims dependent thereon, is in error and should be withdrawn.

Additionally, Dutcher necessarily further fails to render obvious the claimed subject matter. Based upon the foregoing remarks with regard to the anticipation rejections, Dutcher cannot provide the base reference to combine with Hartley to result in a viable obviousness rejection. The combination of Dutcher and Hartley fails to result in a structure having all the features set forth in the independent claims. It follows, of course, that the rejections of the dependent claims, which also rely upon Dutcher, are similarly in error.

Applicant respectfully submits that the claims are in proper form and condition for allowance, and requests that a notice of allowance issue in due course.

Respectfully submitted,

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Date

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